

## SMALL CLAIM COMPLAINT

40 Severance Circle  
Cleveland Heights, Ohio 44118

Case No. CVI 1100527

Plaintiff CARA FAZIO  
Address 2679 HAMPSHIRE RD, FL 2  
(STREET and NUMBER)  
CLEVELAND HTS., OH 44106  
(CITY, VILLAGE or TOWNSHIP) (STATE)

Defendant FINANCIAL RECOVERY SERVICES INC.  
Address 1300 EAST NINTH ST. SYSTEMS  
(STREET and NUMBER)  
CLEVELAND, OH 44114  
(CITY, VILLAGE or TOWNSHIP) (STATE)

Plaintiff \_\_\_\_\_  
Address \_\_\_\_\_  
(STREET and NUMBER)

Defendant \_\_\_\_\_  
Address \_\_\_\_\_  
(STREET and NUMBER)

Telephone Number (440) 725-9897

(CITY, VILLAGE or TOWNSHIP) (STATE)  
Telephone Number (216) 621-4270

Is DEFENDANT presently in the military or naval service of the United States? NO  
(YES or NO)

## STATEMENT OF CLAIM

Financial Recovery Services Inc. repeatedly violated  
Federal Statute 47 U.S.C. § 227, the Telephone  
Consumer Protection Act, and owes me \$2,000  
under the express terms of the statute.

Please see Letter of Demand for Blatant and  
Repeated Violations of Federal Statute 47 USC. § 227,  
the Telephone Consumer Protection act sent  
January 25, 2011.

Wherefore plaintiff prays judgment against defendant in the sum of \$ 2,000, plus interest  
from the 25 day of FEB, 20 11, at the rate of 4 % and costs.

STATE OF OHIO } ss.  
COUNTY OF CUYAHOGA

## AFFIDAVIT OF COMPLAINANT'S CLAIM

CARA FAZIO, being first duly sworn, on oath states that they are the Plaintiff(s)  
in the above entitled cause; that the said cause is for the payment of money that the nature of plaintiff's demand is as stated,  
and that there is due to plaintiff from the defendant the amount stated above; defendant(s) (is/are) not now in the military or  
naval service of the United States.

Subscribed and sworn to before me this 17th day of June, 20 11  
CLERK OF COURTS  
MUNICIPAL COURT

Plaintiff [Signature]

[Signature]  
Clerk, Deputy Clerk, Notary Public

EXHIBIT

A



CT Corporation

**Service of Process  
Transmittal**

06/27/2011

CT Log Number 518736730



**TO:** Brian Bowers, President  
Financial Recovery Services, Inc.  
4900 Viking Drive  
Edina, MN 55435-

**RE: Process Served in Ohio**

**FOR:** Financial Recovery Services, Inc. (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Cara Fazio, Pltff. vs. Financial Recovery Srvc Inc., Dft.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Summons, Attachment, Complaint

**COURT/AGENCY:** Cleveland Heights Municipal Court, OH  
Case # CV11100527

**NATURE OF ACTION:** Small Claims - Repeated violations of the Federal Statute 47 U.S.C. Section 227 and the Telephone Consumer Protection Act - Seeking \$2,000.00

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Cleveland, OH

**DATE AND HOUR OF SERVICE:** By Certified Mail on 06/27/2011 postmarked on 06/24/2011

**JURISDICTION SERVED :** Ohio

**APPEARANCE OR ANSWER DUE:** 8/01/2011 at 9:00 a.m. - Trial // At least 7 days prior to the date of trial - File a counterclaim

**ATTORNEY(S) / SENDER(S):** Cara Fazio  
2679 Hampshire Rd.  
Fl 2  
Cleveland Heights, OH 44106  
440-725-9897

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day , 797243108346

**SIGNED:** C T Corporation System  
**PER:** Debra Justice  
**ADDRESS:** 1300 East 9th Street  
Suite 1010  
Cleveland, OH 44114  
**TELEPHONE:** 216-621-4270

CLEVELAND HEIGHTS MUNICIPAL COURT

40 Severance Circle, Cleveland Heights, Ohio 44118

(216) 291-4901

Cara Fazio  
2679 Hampshire Rd. Fl 2  
Cleveland Hts, Oh 44106  
Plaintiff(s)

vs

Financial Recovery Srvs Inc.  
1300 East Ninth St.  
Cleveland, Oh 44114  
Defendant(s)

CASE NUMBER: CVI 1100527

SUMMONS SMALL CLAIMS

A. Deane Buchanan  
Judge

To the Clerk:

Please take notice that a Claim is hereby filed against the above Defendant(s) and request that he/she/they be summoned to appear in Court to answer said Complaint.

Wherefore Plaintiff(s) prays judgment against Defendant in the sum of \$ 2000.00 , plus interest from 2/25/2011 at the rate of 4 % and Costs.

The Court will hold a TRIAL on this matter in the Small Claims Division of this Court at the address shown above on 08/01/2011 at 09:00 AM .

If you do not appear at the hearing/trial, judgment may be entered against you by default, and your earnings may be subject to garnishment or your property may be attached to satisfy said judgment. If your defense is supported by witnesses, account books, receipts, or other documents, you must produce them at that time. Subpoenas for witnesses, if requested by a party, will be issued by the Clerk.

If you admit the claim but desire time to pay, you may make such request at the hearing/trial. IF YOU BELIEVE YOU HAVE A CLAIM AGAINST THE PLAINTIFF, YOU MUST FILE A COUNTERCLAIM WITH THE COURT AND MUST SERVE THE PLAINTIFF AND ALL OTHER PARTIES WITH A COPY OF THE COUNTERCLAIM AT LEAST SEVEN DAYS PRIOR TO THE DATE OF THE TRIAL OF THE PLAINTIFF'S CLAIM.

Saundra Draper Berry  
CLERK OF COURT

Date: June 24, 2011

By\_ 

Cleveland Heights Municipal Court  
40 Severance Circle  
Cleveland Heights, OH 44118  
216-291-4901 Option 4

Saundra Draper Berry  
Clerk of Court

FOR YOUR INFORMATION--PLEASE READ BEFORE YOUR COURT DATE

Prepare for your case. Whether you are the Plaintiff (person who filed the claim) or the Defendant (person against whom the claim was brought) have all your facts written so you can refresh your memory at the time of the hearing. YOU MAY FILE A COUNTERCLAIM IN SOME INSTANCES--SEE THE SMALL CLAIM BOOKLET

REMEMBER this is your day in Court! Be sure to bring ALL EVIDENCE you have. This evidence may consist of bills, receipts, letters, photographs or witnesses that can show your side of the case. It is of no value to tell the court "You can phone my witness" or "I have the estimate, at home," etc. It will have no bearing on the case.

SUBPOENAS may be issued for a witness who has either first hand knowledge of the facts OR has documents you need to prove your case. You can subpoena that witness by filling out the subpoena form at the Clerk's office and paying the \$20.00 court fee (cash only). You must file your subpoena with the clerk's office AT LEAST 5 DAYS BEFORE YOUR COURT DATE.

CONTINUANCES can only be granted by the court. To request one, you must, in writing, show good cause by giving the specific reason you need the continuance, and when you will be available, and proof of service to the other party. A \$15.00 fee (cash only) is required and your request must be filed with the court at least ONE WEEK before the hearing date. You will be notified when the the Court has ruled on your motion.

AUTO DAMAGES: If you are the Plaintiff in a case in which you are trying to collect for damages done to your car, you MUST bring your CAR TITLE to court to prove that you are/or were the owner at the time the damage was done. DO NOT BRING YOUR PLATE REGISTRATION. If you do not bring your TITLE showing that you owned the vehicle YOU WILL LOSE THE CASE unless the defendant admits in open court that you are the owner of the vehicle.

PROOF OF SERVICE REQUIREMENTS:

Ohio Rules of Civil Procedure require that YOU MUST SERVE a copy of every document you file with the Court on ALL OTHER PARTIES TO THE ACTION in the litigation. This means whenever you file something with the court a copy must be mailed or delivered to all the other parties.

IF YOU FAIL TO SERVE ALL OTHER PARTIES THIS COURT IS NOT PERMITTED TO CONSIDER, REVIEW OR RULE ON THE DOCUMENT FILED.

You must prove to the court that you served the other parties by a "Proof of Service." A SAMPLE is below for you to copy on your form. DO NOT RETURN THIS FORM.

PROOF OF SERVICE

A copy of the foregoing document was served on the opposing party by (personal service) (regular U.S. mail) this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Your signature is needed here

(The proof of service may be on the document itself or on a separate piece of paper attached to the document.)

NOTE: IF YOU NEED FURTHER INFORMATION YOU MAY PICK UP A SMALL CLAIMS BOOKLET AT THE CLERK'S OFFICE DURING OPERATING HOURS OR VISIT OUR WEB SITE AT: [www.clevelandheightscourt.com](http://www.clevelandheightscourt.com)